REMARKS

Claims 1-19 are pending in the application. Claims 1-2 are amended with this response. Since such claim amendments resolve an informality that does not raise a new issue, entry of such amendments is believed to be proper at this time. The provisional allowance of claim 17 is noted with appreciation. Reconsideration of the pending claims is respectfully requested in view of the remarks below.

I. REJECTION OF CLAIMS 1-2, 4-5, 11-14 AND 18 UNDER 35 U.S.C. § 103(a)

Claims 1-2, 4-5, 11-14 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,027,418 (Gan). Withdrawal of these rejections is respectfully requested for at least the following reasons.

The Office Action concedes that Gan fails to teach the limitations of claim 1, but instead asserts that the alleged deficiency would be obvious to one of ordinary skill in the art. (*See* O.A., 10/19/07, p. 6, paragraphs 1-3). Applicant respectfully disagrees.

While the applicant concedes that Gan does teach determining channel performance at one time (Col. 14, lines 38-45), this does not imply or suggest to anyone that the determination of the interference on this channel is independent of the determination of interference on other channels as claimed. Rather, Gan simply is silent regarding this feature. Instead, one can only draw reasonable conclusions based on the teachings of the cited reference ***as a whole***.

Gan discusses channel classification in columns 14-16. The reference states that multiple tests of each channel are used to classify a channel. (Col. 14, lines 47-48). A master tests each channel a specified number of times. (Col. 14, lines 48-50). This teaching suggests that all the channels are collectively evaluated according to some predetermined evaluation order, based upon the master. For example, all channels could be evaluated concurrently, or each channel could be evaluated successively, in some predetermined order. In either event, an evaluation of one channel has a fixed and predetermined relationship with respect to the evaluation of the

other channels, and thus the teaching of Gan does not teach or suggest detecting multiple erroneous transmissions in a frequency channel at a time that is independent of the other channels as claimed.

Further, the fact that Gan also teaches making the determination again at a later time provides no suggestion to modify Gan in accordance with the claimed invention. This teaching of Gan simply indicates that whatever previous predetermined order of evaluations is employed, it can be repeated at a later time. This provides no teaching or motivation to make a timing of evaluations of individual channels independent of the other channels as claimed. Therefore claim 1 and its associated depending claims are non-obvious over the cited art. Accordingly, withdrawal of the rejection is respectfully requested.

i. Gan does not teach measuring a strength of external signals within a frequency range of an eliminated frequency channel, as recited in claim 1.

Claim 1 is directed to a method for selecting frequency channels, and comprises eliminating a frequency channel from a frequency hopping sequence if it is determined that interference exists on that channel. The method further comprises measuring a strength of externals signals within a frequency range of an eliminated frequency channel, and selectively reinserting that channel into the channel hopping sequence if the measured strength is less than a prescribed value. Gan does not teach this feature.

Gan does teach use of RSSI to evaluate channels. (*See, e.g.*, Cols, 6-7 and 12). However, Gan does not make such measurements specifically for the frequency range of an eliminated frequency channel as claimed. Rather, Gan broadly talks about use of received strength signals for use in evaluating all channels, and more particularly, channels that have not been eliminated from the frequency hopping sequence. Such a broad discussion of RSSI in channel evaluation is not sufficient to render obvious a specific evaluation of field strength in those frequency ranges associated with eliminated frequency channels.

Therefore Gan fails to render obvious the invention of claim 1, and its associated depending claims. Accordingly, withdrawal of the rejection is respectfully requested for this additional reason.

II. CONCLUSION

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 50-1733, LLP113US.

Respectfully submitted,
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